

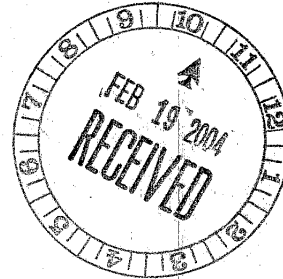
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FEB 19 2004

Part of
Public Record

February 18, 2004



VIA U.P.S. OVERNIGHT

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

**RE: Docket AB-33 (Sub-No. 189X), Union Pacific Railroad Company
- Abandonment and Discontinuance Exemption - In Eau Claire
County, WI (Eau Claire Industrial Lead in Eau Claire, WI)**

Dear Mr. Williams:

The Union Pacific Railroad Company has received the attached request from the Wisconsin Department of Transportation dated January 9, 2004 on behalf of the City of Eau Claire ("City"), for a 180-day extension in which to complete negotiations for the acquisition under the provisions pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the UP's right-of-way known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Boulevard, a distance of 1.65 miles in Eau Claire County, Wisconsin. After several conversations with representatives of the City and the Wisconsin Department of Transportation it has been determined that there is no funding available to the City for the purchase of the Line. Rather than continue to expose the UP to potential liability related to the trackage and bridge, UP has decided to consummate the abandonment, remove or sell the bridge and sell the available real property. A copy of the City's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

Attachments

Cc: City of Eau Claire
Josephine Gomillion <202/565-9004>
Alan Lepeska

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

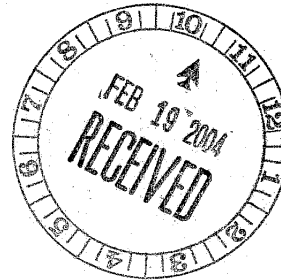
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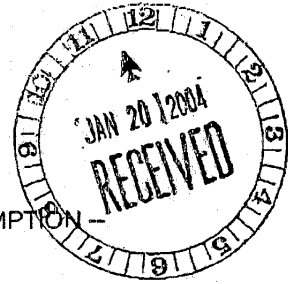
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BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-33 (SUB-NO. 189X)
UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION
IN EAU CLAIRE COUNTY, WISCONSIN

ENTERED
Office of Proceedings

JAN 20 2003

Part of
Public RecordTHE CITY OF EAU CLAIRE REQUEST FOR AN EXTENSION
OF NOTICE OF INTERIM TRAIL USE

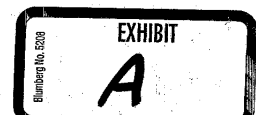
BACKGROUND

On May 14, 2002, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon and discontinue service on a line of railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin (the "Line"). The Line traverses U.S. Postal Service ZIP code 54703. There are no agency stations on the Line.

On June 20, 2002, the City of Eau Claire, Wisconsin (CECW) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of UP railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin.

On June 20, 2002, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on August 30, 2002, allowing the City until February 26, 2003 to negotiate a rail banking agreement with UP.

On April 3, 2003, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16



U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 10, 2003, allowing the City until August 25, 2003 to negotiate a rail banking agreement with UP.

On August 11, 2003, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on August 25, 2003, allowing the City until February 21, 2004 to negotiate a rail banking agreement with UP.

The City and UP have had initial discussions, had some initial concerns but are now willing to continue discussions. The abandonment has not been consummated.

MOTION

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin, for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the City of Eau Claire.

Respectfully submitted this 9th day of January, 2004,



Allyn Lepeska, State Bar No. 1013474
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